Town Board Minutes

September 2, 2003 Meeting No. 31

A Regular Meeting of the Town Board of the Town of Lancaster, Erie County, New York, was held at the Town Hall at 21 Central Avenue, Lancaster, New York on the 2nd day of September at 8:00 P.M. and there were

PRESENT: MARK MONTOUR, COUNCIL MEMBER

RONALD RUFFINO, COUNCIL MEMBER

DONNA STEMPNIAK, COUNCIL MEMBER

ROBERT GIZA, SUPERVISOR

ABSENT: RICHARD ZARBO, COUNCIL MEMBER

ALSO PRESENT: JOHANNA COLEMAN, TOWN CLERK

ROBERT LABENSKI, TOWN ENGINEER

RICHARD SHERWOOD, TOWN ATTORNEY

JEFFREY SIMME, BUILDING INSPECTOR

GARY STOLDT, CHIEF OF POLICE

CHRISTINE FUSCO, ASSESSOR

TERRENCE McCRACKEN, GENERAL CREW CHIEF

RICHARD REESE JR., HIGHWAY SUPERINTENDENT

SUZANNE BLANK, CLERK TYPIST

PERSONS ADDRESSING TOWN BOARD:

Wallace, Monica, 47 Rehm Road, spoke to the Town Board on the following matters:

• Expressed opposition to a casino being located on Transit Road in Cheektowaga; cites concerns about traffic, crime, property values and proximity to elementary school.

Mc Call, Rev Nelson, Pastor of Hillview Baptist Church, 104 Hanwell Place, spoke to the Town Board on the following matter:

• Has concerns about the proposed location of the Seneca Nation Casino on Transit Road in Cheektowaga.

Roney, John, 6339 Transit Road, spoke to the Town Board on the following matters:

- Expressed opposition to the location of a casino on Transit Road in Town of Lancaster.
- Expressed concerns about a building on Transit Road which is in need of repair.

Rehm, Aimee, 43 Rehm Road, spoke to the Town Board on the following matter:

• Encourages the Town of Lancaster to adopt a resolution opposing a casino on Transit Road.

McNally, Rita, 60 Hill Valley Drive, spoke to the Town Board on the following matter:

• Concerns about the location of a casino on Transit Road in Town of Cheektowaga.

Constantino, Ross, 43 Hill Valley Drive, spoke to the Town Board on the following matter:

• Concerns about the location of a casino on Transit Road in Town of Cheektowaga.

Sherry, Tim, 62 Rehm Road, spoke to the Town Board on the following matters:

• Expressed opposition to a casino being located on Transit Road in Cheektowaga; cites concerns regarding traffic, negative impact on economic development, decrease in market values for homes, and proximity to elementary school.

Esposina, Doreen, 155 Pleasant View Drive, spoke to the Town Board on the following matter:

• Asks the Town Board to oppose a casino on Transit Road.

Beutler, Daniel, 26 Tyler Street, spoke to the Town Board on the following matters:

- Comments & concerns about the possible location of a casino on Transit Road in Town of Cheektowaga.
- Questions about merger of Village of Depew Police Department and purchase of Colecraft building on Walden Avenue.

Chowaniec, Lee, 93 Northwood Drive, spoke to the Town Board on the following matters:

- Comments about gambling.
- Comments about the Comprehensive Master Plan.

Kubicki, Gloria, 15 Maple Drive, spoke to the Town Board on the following matters:

- Questions about armored courier service.
- Questions about Twin District VFC bond borrowing.
- Questions about the Comprehensive Master Plan.

Mazurowski, John, 11 Stephens Court, spoke to the Town Board on the following matter:

• Comments about Town Board Rules of Order as it regards public comment period.

Symer, Donald, 610 Columbia Avenue, spoke to the Town Board on the following matters:

- In favor a resolution opposing a casino on Transit Road.
- Questions about acceptance of Public Improvements in Valley Overlook Subdivision.
- Comments about Eastport Commerce Center.
- Comments about Comprehensive Master Plan
- Feels that the Comprehensive Master Plan should not be adopted at this meeting
- Comments about Town Board Rules of Order.

PUBLIC HEARING SCHEDULED FOR 8:30 P.M.:

At 8:30 P.M., the Town Board held a Public Hearing to hear all interested persons upon a proposed amendment to the Noise Ordinance by deleting Section 38-4(C) in its entirety and enacting in place thereof a new Section 38-4(C).

The affidavits of publication of this Public Hearing are on file and a copy of the Legal Notice has been posted.

NAME	ADDRESS	Proponent/ Opponent/ Comments/Questions	
Dave Braun	Kieffer St, Depew	Comments	
John Roney	6339 Transit Rd	Questions	
Donald Symer	610 Columbia Ave	Opponent	
Gloria Kubicki	15 Maple Dr	Questions	
Gary Howell	48 Park Blvd	Proponent	

ON MOTION BY COUNCIL MEMBER STEMPNIAK, AND SECONDED BY COUNCIL MEMBER RUFFINO , FOR ADJOURNMENT OF THE PUBLIC HEARING, on roll, which resulted as follows:

COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
COUNCIL MEMBER ZARBO	WAS ABSENT
SUPERVISOR GIZA	VOTED YES

The Public Hearing was adjourned at 8:44 P.M.

The Town Board, later in the meeting, adopted a resolution, hereinafter spread at length in these minutes, taking favorable action upon this matter.

September 2, 2003

PRESENTATION OF PREFILED RESOLUTIONS BY COUNCIL MEMBERS:

THE FOLLOWING RESOLUTION WAS OFFERED BY SUPERVISOR GIZA, WHO MOVED ITS ADOPTION, SECONDED BY COUNCIL MEMBER STEMPNIAK, TO WIT:

RESOLVED, that the minutes of the Regular Meeting of the Town Board held August 18, 2003 be and are hereby approved.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER MONTOUR VOTED YES

COUNCIL MEMBER RUFFINO VOTED YES

COUNCIL MEMBER STEMPNIAK VOTED YES

COUNCIL MEMBER ZARBO WAS ABSENT

SUPERVISOR GIZA VOTED YES

September 2, 2003

File: RMIN (P2)

THE FOLLOWING RESOLUTION WAS OFFERED BY COUNCIL MEMBER MONTOUR, WHO MOVED ITS ADOPTION, SECONDED BY COUNCIL MEMBER RUFFINO, TO WIT:

WHEREAS, the developer has requested the Town Board of the Town of Lancaster to accept completed Public Improvements within Valley Overlook Subdivision, within the Town of Lancaster, and

WHEREAS, the Town Engineer has inspected the improvements and has recommended the approval thereof, and

WHEREAS, the Town Attorney, by letter to the Town Clerk dated August 26, 2003 has reported his favorable review of all necessary deeds, easements and documents required to be filed for the acceptance of these public improvements.

NOW, THEREFORE, BE IT

RESOLVED, that the following completed Public Improvements within Valley Overlook Subdivision be and are hereby approved and accepted by the Town Board of the Town of Lancaster:

P.I.P. No. 558 - Pavement & Curb

P.I.P. No. 559 - Storm Sewer

P.I.P. No. 560 - Waterline

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER MONTOUR VOTED YES
COUNCIL MEMBER RUFFINO VOTED YES
COUNCIL MEMBER STEMPNIAK VOTED YES
COUNCIL MEMBER ZARBO WAS ABSENT
SUPERVISOR GIZA VOTED YES

September 2, 2003

File: RPIP (P5)

THE FOLLOWING RESOLUTION WAS OFFERED BY SUPERVISOR GIZA, WHO MOVED IT'S ADOPTION, SECONDED BY COUNCIL MEMBER RUFFINO, TO WIT:

WHEREAS, §1660 (18) Vehicle and Traffic Law permits the Town to designate the location of stop signs and no-passing zones affecting town roads outside of the Villages of Lancaster and Depew, and

WHEREAS, the Town Board of the Town of Lancaster deems it in the public interest to make certain amendments to the Town Ordinance entitled, "VEHICLE AND TRAFFIC ORDINANCE OF THE TOWN OF LANCASTER, COUNTY OF ERIE, STATE OF NEW YORK, DESIGNATED AS CHAPTER 46 OF THE CODE OF THE TOWN OF LANCASTER",

NOW, THEREFORE, BE IT

RESOLVED, that pursuant to Section 130 of the Town Law of the State of New York, a public hearing on proposed amendments to the Vehicle & Traffic Ordinance, Chapter 46 of the Code of the Town of Lancaster, County of Erie and State of New York, will be held at the Town Hall, 21 Central Avenue, Lancaster, New York, on the 15th day of September 2003, at 8:30 o'clock P.M., Local Time, and that Notice of the Time and Place of such hearing be published on or before September 4, 2003, in the Lancaster Bee, the Official Newspaper, being a newspaper of general circulation in said Town, and be posted on the Town Bulletin Board, which Notice shall be in the form attached hereto and made a part hereof.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
COUNCIL MEMBER ZARBO	WAS ABSENT
SUPERVISOR GIZA	VOTED YES

September 2, 2003

File: rvtordchpt46windsorridgechestnutcorner903

LEGAL NOTICE PUBLIC HEARING

AMENDMENT TO VEHICLE & TRAFFIC ORDINANCE TOWN OF LANCASTER, COUNTY OF ERIE, STATE OF NEW YORK DESIGNATED AS CHAPTER 46 OF CODE OF TOWN OF LANCASTER

LEGAL NOTICE IS HEREBY GIVEN that pursuant to the Town Law of the State of New York, and pursuant to a resolution of the Town Board of the Town of Lancaster, adopted on the 2nd day of September, 2003, the said Town Board will hold a Public Hearing on the 15th day of September, 2003, at 8:30 o'clock P.M., Local Time, at the Town Hall, 21 Central Avenue, Lancaster, New York, to hear all persons upon the following amendments to the Vehicle and Traffic Ordinance of the Town of Lancaster, Erie County, New York, designated as Chapter 46 of the Code of said Town:

CHAPTER 46

Article VIII, STOP INTERSECTIONS; NON-INTERSECTION STOPS; YIELD INTERSECTIONS
46-8.1 Stop Intersections designated, is hereby amended by adding thereto

WINDSOR RIDGE SUBDIVISION

STREET NAME	INTERSECTING STREET	SIGN <u>LOCATION</u>
Chestnut Corner	Windsor Ridge Drive	S.E. Corner
Chestnut Corner	Windsor Ridge Drive	N.W. Corner
Windsor Ridge Drive	Chestnut Corner	S.W. Corner

Full opportunity to be heard will be given to any and all citizens and all parties in interest.

TOWN BOARD OF THE TOWN OF LANCASTER

CICNI

By: JOHANNA M. COLEMAN Town Clerk

September 2, 2003

File: rvtordchpt46windsorridgechestnutcorner903

the following:

THE FOLLOWING RESOLUTION WAS OFFERED BY SUPERVISOR GIZA, WHO MOVED ITS ADOPTION, SECONDED BY COUNCIL MEMBER STEMPNIAK, TO WIT:

WHEREAS, the Supervisor of the Town of Lancaster has recommended to the Town Board the appointment of Jean Brunea as a member of the Town of Lancaster Assessment Review Board.

NOW, THEREFORE, BE IT

RESOLVED, that Jean Brunea, 599 Harris Hill Road, Lancaster, New York 14086, be and is hereby appointed a member of the Town of Lancaster Assessment Review Board for the term of October 1, 2003 to September 30, 2008.

The question of the adoption of the following resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
COUNCIL MEMBER ZARBO	WAS ABSENT
SUPERVISOR GIZA	VOTED YES

September 2, 2003

RPERS.BD (P7)

THE FOLLOWING RESOLUTION WAS OFFERED BY COUNCIL MEMBER STEMPNIAK, WHO MOVED ITS ADOPTION, SECONDED BY COUNCIL MEMBER MONTOUR, TO WIT:

WHEREAS, a Public Hearing was held on the 2nd day of September, 2003 for the purpose of amending Chapter 38, "Noise", by deleting Section 38-4 (C) in its entirety and enacting in place thereof a new Section 38-4 (C) of the Code of the Town of Lancaster, and

WHEREAS, persons for and against such amendment have had an opportunity to be heard, and

WHEREAS, a Notice of Public Hearing was duly published and posted, and

WHEREAS, the Town Board has recommended the proposed amendment of the Code of the Town of Lancaster, County of Erie.

NOW, THEREFORE, BE IT RESOLVED, as follows:

That Chapter 38 "Noise", Section 38-4 (C) of the Code of the Town of Lancaster, County of Erie and State of New York, is hereby deleted in its entirety and enacted in place thereof is a new Section 38-4 (C) of Chapter 38, "Noise" of the Code to read as follows:

CHAPTER 38 - NOISE

.

Section 38-4. Specific acts constituting unreasonable noise.

.

C. The use and operation of any sound-reproduction device in a vehicle which would constitute a threat to the safety of pedestrians or vehicle operators or where conditions of overcrowding or street repair or other physical conditions are such that the use of a sound reproduction device would deprive the public of the right to the safe, comfortable, convenient and peaceful enjoyment of a public street, park or place for public purpose and would constitute a threat to the safety and welfare of the public. Said noise disturbance is deemed to be in violation of this section if it can be heard from a distance of greater than fifty (50) feet."

- 2. That said amendment be added in the minutes of the meeting of the Town Board of the Town of Lancaster held on the 2^{nd} day of September, 2003.
- 3. That a certified copy of this amendment be published in the Lancaster Bee on September 4, 2003.
- 4. That a certified copy of this Amendment be posted on the Town Bulletin Board, and
 - 5. That Affidavits of Publication and Posting be filed with the Town Clerk.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER MONTOUR

COUNCIL MEMBER RUFFINO

COUNCIL MEMBER STEMPNIAK

COUNCIL MEMBER ZARBO

WAS ABSENT

SUPERVISOR GIZA

VOTED YES

September 2, 2003

File: ramendmentnoiscordinance803a

LEGAL NOTICE NOTICE OF ADOPTION AMENDMENT OF CHAPTER 38 - NOISE TOWN OF LANCASTER

LEGAL NOTICE IS HEREBY GIVEN that Chapter 38, "Noise", Section 38-4 (C) of the Code of the Town of Lancaster is hereby deleted in its entirety and enacted in place thereof is a new Section 38-4 (C) to read as follows:

CHAPTER 38 - NOISE

Section	38-4.	Specific	acts	constituting	unreasonable	noise.

C. The use and operation of any sound-reproduction device in a vehicle which would constitute a threat to the safety of pedestrians or vehicle operators or where conditions of overcrowding or street repair or other physical conditions are such that the use of a sound reproduction device would deprive the public of the right to the safe, comfortable, convenient and peaceful enjoyment of a public street, park or place for public purpose and would constitute a threat to the safety and welfare of the public. Said noise disturbance is deemed to be in violation of this section if it can be heard from a distance of greater than fifty (50) feet."

September 2, 2003

STATE OF NEW YORK:

COUNTY OF ERIE : ss:

TOWN OF LANCASTER:

This is to certify that **I, Johanna M. Coleman,** Town Clerk of the Town of Lancaster in the said County of Erie, have compared the foregoing copy of an Ordinance Amendment with the original thereof filed in my office at Lancaster, New York, on the 2nd day of September, 2003 and that the same is a true and correct copy of said original and of the whole thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said Town this 2^{nd} day of September, 2003.

Johanna M. Col	eman, Town	Clerk	

(S E A L)

THE FOLLOWING RESOLUTION WAS OFFERED BY SUPERVISOR GIZA, WHO MOVED ITS ADOPTION, SECONDED BY COUNCIL MEMBER RUFFINO, TO WIT:

WHEREAS, the Town Clerk has advised the Town Board that she believes it to be appropriate to enter into a service agreement with Loomis, Fargo and Company (LF&Co.), 101 Victor Heights Parkway, Victor, New York 14564 for the purpose of providing armored courier service for deposits generated from tax collection for the Town of Lancaster, and

WHEREAS, the Town Board has considered the request of the Town Clerk and has reviewed the service agreement and upon completing its due deliberation deems it in the public interest to engage this service.

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster hereby authorizes the Town Clerk to enter into a service agreement with Loomis, Fargo & Company for armored courier service for deposits made from tax collections to the Town named depository at no charge to the Town.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER MONTOUR

COUNCIL MEMBER RUFFINO

COUNCIL MEMBER STEMPNIAK

COUNCIL MEMBER ZARBO

WAS ABSENT

SUPERVISOR GIZA

VOTED YES

File: rloomisfargoandcompany903

THE FOLLOWING RESOLUTION WAS OFFERED BY SUPERVISOR GIZA, WHO MOVED ITS ADOPTION, SECONDED BY COUNCIL MEMBER STEMPNIAK, TO WIT:

WHEREAS, the Twin District Volunteer Fire Company, Inc. has apprised the Town Board that it is in the process of borrowing for the expense involved with the expansion and addition to its Fire Hall located at 4999 William Street, Lancaster, New York, and

WHEREAS, the said Fire Association is under contract with the Town of Lancaster to provide firematic services and as a consequence of this contract the Fire Association is considered a political subdivision of the Town and is able to issue tax exempt bonds under the Internal Revenue Code after the Town Board has approved the borrowing, and

WHEREAS, there is a requirement of the appointment of a hearing officer from the Fire Association who will then hold a public hearing regarding the borrowing;

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster hereby authorizes the Supervisor of the Town of Lancaster to appoint Michael F. Jablonski, Chairman of the Board of Directors of the Twin District Volunteer Fire Company as the hearing officer and for the Association to hold a public hearing at its Fire Hall at 4999 William Street Lancaster, New York on September 22, 2003 at 7:00 P.M. for its borrowing.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER MONTOUR

COUNCIL MEMBER RUFFINO

COUNCIL MEMBER STEMPNIAK

COUNCIL MEMBER ZARBO

WAS ABSENT

SUPERVISOR GIZA

VOTED YES

File: rtwindistrictvolunteerfirecompany

THE FOLLOWING RESOLUTION WAS OFFERED BY SUPERVISOR GIZA, WHO MOVED ITS ADOPTION, SECONDED BY COUNCIL MEMBER RUFFINO, TO WIT:

WHEREAS, the Bowmansville Volunteer Fire Association, Inc. has apprised the Town Board that it is in the process of borrowing for the expense involved with the renovation and reconstruction to its Station No. 2 at 58 Seitz Avenue and further will be refinancing three of its apparatus loans, and

WHEREAS, the said Fire Association is under contract with the Town of Lancaster to provide firematic services and as a consequence of this contract the Fire Association is considered a political subdivision of the Town and is able to issue tax exempt bonds under the Internal Revenue Code after the Town Board has approved the borrowing, and

WHEREAS, there is a requirement for the appointment of a hearing officer from the Fire Association who will then hold a public hearing regarding the borrowing;

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster hereby authorizes the Supervisor of the Town of Lancaster to appoint Richard L. Reese, Junior, President of the Bowmansville Volunteer Fire Association, Inc. as the hearing officer and for the Association to hold a public hearing at its fire house at 36 Main Street, Bowmansville, New York on September 24, 2003 at 7:00 P.M. for Part A of its borrowing and at 7:30 P.M. for Part B of its borrowing.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER MONTOUR VOTED YES
COUNCIL MEMBER RUFFINO VOTED YES
COUNCIL MEMBER STEMPNIAK VOTED YES
COUNCIL MEMBER ZARBO WAS ABSENT

September 2, 2003

File: rbow man s ville volunte er fine assoc.

THE FOLLOWING RESOLUTION WAS OFFERED BY COUNCIL MEMBER STEMPNIAK, WHO MOVED ITS ADOPTION, SECONDED BY COUNCIL MEMBER MONTOUR, TO WIT:

WHEREAS, UNILAND DEVELOPMENT COMPANY, University Corporate Center, 100 Corporate Parkway, Suite 500, Amherst, New York 14226 has submitted a Site Plan, dated August 4, 2003 and received August 5, 2003, prepared by Tredo Engineers for the development of a 15.5 acre site for two (2) light industrial buildings (111,492 g.s.f. and 117,000 g.s.f.) parking and landscaping on its property located at the Eastport Commerce Center, Buildings A and H, Walden Avenue, Eastport Drive and Eastport Crossings in the Town of Lancaster, and

WHEREAS, at its meeting August 20, 2003 the Planning Board recommended approval of this project, and

WHEREAS, a SEQR review was held on Tuesday, September 2, 2003 at which time a Negative Declaration was issued;

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster hereby approves the Site Plan submitted by UNILAND DEVELOPMENT COMPANY, prepared by Tredo Engineers dated August 4, 2003 and received August 5, 2003 for the development of a 15.5 acre site for two (2) light industrial buildings (111,492 g.s.f. and 117,000 g.s.f.) parking and landscaping on its property located at the Eastport Commerce Center, Buildings A and H, Walden Avenue, Eastport Drive and Eastport Crossings in the Town of Lancaster

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
COUNCIL MEMBER ZARBO	WAS ABSENT
SUPERVISOR GIZA	VOTED YES

September 2, 2003

File: rspbuildingA&Heastportcommerce903

THE FOLLOWING RESOLUTION WAS OFFERED BY COUNCIL MEMBER MONTOUR, WHO MOVED ITS ADOPTION, SECONDED BY COUNCIL MEMBER STEMPNIAK, TO WIT:

WHEREAS, the Town of Lancaster has heretofore established a joint Social Work Counselor Program with the Lancaster Central School District and desires to continue this program, and,

WHEREAS, the Town Board has received assurance of participation in State funding by the New York State Office of Children and Family Services and the Lancaster Central School District,

NOW, THEREFORE, BE IT

RESOLVED, as follows:

- 1. That the Town Board of the Town of Lancaster hereby agrees to continue a joint program for a Social Work Counselor to work in the Town of Lancaster with Lancaster Central School children in response to a demonstrated need for such services in order to reduce juvenile delinquency, enhance educational and social opportunities for youth of the Town of Lancaster and to reduce the impact of drug use, truancy, vandalism and juvenile pregnancy, and otherwise reduce the impact of social pressures upon single-parent youth, for the period commencing July 1, 2003 and ending June 30, 2004, and
- 2. That funding for the program, at a total annual cost of approximately \$55,338, which includes \$40,565 for direct salary, and \$14,773 for contractual expenses and fringe benefits, for the period July 1, 2003 to June 30, 2004 shall be provided at \$4,518 or approximately eleven percent (11%) of direct salary from the New York State Office of Children and Family Services; \$18,023.50 or approximately forty-four and five tenths (44.5%) of direct salary, plus one half contractual expenses, and fringe benefit costs from the Town of Lancaster, to be drawn from the General Fund Account "Social Work Counselor Program", and \$18,023.50 or approximately 44.5% of direct salary plus one-half contractual expenses and fringe benefit costs, from the Lancaster Central School District, and
- 3. That the Supervisor be and hereby is authorized and directed to sign an Agreement to renew said program, said Agreement to be drawn by the Town Attorney, providing for participation in said program by the Town of Lancaster, the New York State Office of Children and Family Services and the Lancaster Central School District.

The question of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER MONTOUR

COUNCIL MEMBER RUFFINO

COUNCIL MEMBER STEMPNIAK

COUNCIL MEMBER ZARBO

WAS ABSENT

SUPERVISOR GIZA

VOTED YES

September 2, 2003

File: Rstate.yth (P6)

THE FOLLOWING RESOLUTION WAS OFFERED BY COUNCIL MEMBER MONTOUR, WHO MOVED ITS ADOPTION, SECONDED BY COUNCIL MEMBER RUFFINO, TO WIT:

WHEREAS, the Executive Director of the Youth Bureau by letter dated August 27, 2003 recommends that the Town of Lancaster continue to participate in the collaborative effort by providing 50% of the annual compensation of approximately \$30,000 for the Program Coordinator for the Family Support Center within the Lancaster Central School District, and

WHEREAS, the Town will provide 50% of the cost of direct salary for providing this service to the community.

NOW, THEREFORE, BE IT

RESOLVED, as follows:

That the Supervisor of the Town of Lancaster is hereby authorized to enter into an Agreement with the Lancaster Central School District for the purpose of providing a Program Coordinator for the Family Support Center for the period of September 1, 2003 to June 30, 2004 with the Town paying 50% of the direct cost of the Program Coordinator, which is \$15,000. The Town of Lancaster will contribute its 50% share of the cost by making installment payments to the Lancaster Central School District as follows: to be paid in four installments of \$3,750 on or about October 1, 2003, on or about December 1, 2003, on or about February 1, 2004 and on or about April 1, 2004.

The question of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER MONTOUR

COUNCIL MEMBER RUFFINO

COUNCIL MEMBER STEMPNIAK

COUNCIL MEMBER ZARBO

WAS ABSENT

SUPERVISOR GIZA

VOTED YES

September 2, 2003

file: rprogram coordinator family support center

THE FOLLOWING RESOLUTION WAS OFFERED BY COUNCIL MEMBER STEMPNIAK, WHO MOVED ITS ADOPTION, SECONDED BY COUNCIL MEMBER MONTOUR, TO WIT:

WHEREAS, RONALD A. GRIMM, JR., 4624 Goodrich Road, Clarence, New York 14031, the contract vendee of a parcel of property located on the east side of Transit Road in the Town of Lancaster, New York, has petitioned the Town Board of the said Town for the rezone of said property from an R1-Residential District One to a GB-General Business, and

WHEREAS, the Petition has been referred to the Planning Board of the Town of Lancaster for its recommendation and report.

NOW THEREFORE, BE IT

RESOLVED, that pursuant to Sections 130 and 265 of the Town Law of the State of New York a Public Hearing on the proposed rezone will be held at the Town Hall, 21 Central Avenue, Lancaster, New York, on the 15th day of September, 2003, at 8:40 o'clock P.M., Local Time, and that Notice of the Time and Place of such Hearing be published in the Lancaster Bee, a newspaper of general circulation in said Town on September 4, 2003, and be posted on the Town Bulletin Board, and that Notice of such Hearing be referred to the Erie County Department of Planning, pursuant to Section 239 (m) of the General Municipal Law, which Notice shall be in form attached hereto and made a part hereof.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
COUNCIL MEMBER ZARBO	WAS ABSENT
COUNCIL MEMBER GIZA	VOTED YES

September 2, 2003

File: rrezone4827and4839transitroad903

LEGAL NOTICE
PUBLIC HEARING
REZONE - 4839 TRANSIT ROAD AND 4827 TRANSIT ROAD
TOWN OF LANCASTER

LEGAL NOTICE IS HEREBY GIVEN, that pursuant to the Town Law of

the State of New York and pursuant to a resolution of the Town Board of the Town of

Lancaster, and adopted on 2nd day of September, 2003, the said Town Board will hold a Public

Hearing on the 15th day of September, 2003 at 8:40 o'clock P.M., Local Time, at the Town

Hall, 21 Central Avenue, Lancaster, New York, to hear all interested persons upon the following

proposed amendment to the Zoning Ordinance and Zoning Map of the Town of Lancaster,

rezoning the following described real property from a R-1 Residential District One to a GB-

General Business:

ALL THAT TRACT OR PARCEL OF LAND, situate in the Town of Lancaster, County of Erie and State of New York, being part of Lot No. 96 and 97, Township 10 Range 6 of the

Buffalo Creek Reservation founded and described as follows:

BEGINNING at a point 650' easterly from the northwest comer of lands conveyed to Stanley J.

Widelski et al recorded in the Erie County Clerks Office in liber 10941 of Deeds at page 9730;

THENCE easterly and along the north line of aforementioned lands a distance of 569+/- feet to

a point;

THENCE southerly and parallel to the west line of Lots Number 96 and 97 a distance of

501.34 +/- feet to the southerly line of lands conveyed to Peter and Anna Berezuk by deeds

recorded in the Erie County Clerks Office in liber 4433 of Deeds at page 297and liber 6605 of

deeds at page 43 respectively;

THENCE westerly and along the southerly line of lands of Berezuk as aforesaid a distance of

569 +/- feet to a point;

THENCE northerly and parallel to the west line of Lots No. 96 and 97 a distance of 501.34 +/-

feet to the point of beginning.

Full opportunity to be heard will be given to any and all citizens and all parties in

interest.

TOWN BOARD OF THE TOWN OF LANCASTER

BY: JOHANNA M. COLEMAN

Town Clerk

September 2, 2003

Page -541-

THE FOLLOWING RESOLUTION WAS OFFERED BY COUNCIL MEMBER STEMPNIAK, WHO MOVED ITS ADOPTION, SECONDED BY COUNCIL MEMBER MONTOUR, TO WIT:

WHEREAS, the Town of Lancaster has had under review a Comprehensive Plan for development of the Town which was originally developed as a Comprehensive Plan for not only the Town of Lancaster but also the Village of Depew and Village of Lancaster, and

WHEREAS, the Villages beforementioned have previously adopted the Comprehensive Plan as it relates to the respective Villages while the Town continued its review since the Town encompasses significant areas which remain undeveloped while the Villages essentially are built out, and

WHEREAS, the Town Board referred the proposed Comprehensive Plan to the Town Planning Board for its review and comments, and

WHEREAS, the Planning Board invested substantial time in reviewing the proposed Plan and generated written comments which are now being made a part of the Comprehensive Plan, and

WHEREAS, the Planning Board held a public hearing on the proposed Comprehensive Plan on April 9, 2001 in compliance with Section 272-(a) (6) of the Town Law for the purpose of receiving public comments, and

WHEREAS, the Town Board engaged the services of Clough, Harbour and Associates, consulting engineers, by resolution on August 6, 2001 to prepare a Draft Generic Environmental Impact Statement for purposes of the environmental review required under SEQR on a proposed Comprehensive Plan, and

WHEREAS, the Town of Lancaster acted as lead agency in the SEQR review upon proper notice to other permit agencies (New York State Department of Environmental Conservation, Erie County Department of Environment and Planning and the New York State Department of Transportation), and

WHEREAS, the Town Board held public hearings on October 11, 2001 and January 29, 2002 for the purpose of receiving public comments on the proposed Comprehensive Plan, and

WHEREAS, the proposed Comprehensive Plan together with Planning Board comments of November 1, 2000 and June 6, 2001 were sent to Erie County Department of Environment and Planning on May 8, 2002, and

WHEREAS, on July 2, 2002 Clough, Harbour and Associates presented a Draft Generic Environmental Impact Statement (DGEIS) to the Town which was distributed to the Municipal Review Committee, New York State Department of Environmental Conservation, Erie County Department of Environment and Planning and the New York State Department of Transportation, and

WHEREAS, the Municipal Review Committee and the Town Board acted by resolution on August 5, 2002 accepting the DGEIS as complete and a Notice of Completion was thereafter filed as required under SEQR with the public being given the requisite thirty (30) day regulatory period to offer written comments, said comments being accepted in the Office of the Town Clerk until 4:00 P.M., September 11, 2002, and

WHEREAS, on August 20, 2002 all Towns and Villages surrounding the Town of Lancaster were sent a complete copy of the DGEIS inviting comments to the Town of Lancaster, and

WHEREAS, the Town received responses from NYS DEC (August 9, 2002), ECDEP (September 20, 2002) and NYSDOT (November 1, 2002) which took no exception to the DGEIS, and

WHEREAS, the Town Board and Municipal Review Committee reviewed the comments received from the public, and

WHEREAS, the Town Board engaged the services of Clough, Harbour and Associates to prepare a Final Generic Environmental Impact Statement (FGEIS), and

WHEREAS, an FGEIS was received by the Town from Clough, Harbour and Associates on January 8, 2003 and reviewed by the MRC and Town Board members, and

WHEREAS, the FGEIS was forwarded to New York State Department of Environmental Conservation, Eric County Department of Environment and Planning and New York State Department of Transportation for their comments on January 10, 2003, and

WHEREAS, the Planning Board comments have been incorporated into and made a part of the proposed Comprehensive Plan with special attention drawn to the proposed location of a north-south beltway which will not be located as the Planning Board recommended but will now be illustrated in the Cemetery Road corridor running parallel to Cemetery Road northerly form the Town owned former DL & W Railroad ROW to the New York State Thruway (I-90) and south from the former DL & W rail line in the vicinity of Cemetery Road to Broadway with no extension south of Broadway, and

WHEREAS, the Municipal Review Committee and the Town Board adopted a resolution on August 4, 2003 accepting the FGEIS as complete and commencing the ten (10) day comment period required before the lead agency can act to issue its written findings statement, and

WHEREAS, the Town Board as lead agency now desires to adopt the Findings Statement for the FGEIS on the proposed Comprehensive Plan for the Town of Lancaster;

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board, as lead agency has reviewed and hereby adopts the attached Findings Statement which is made a part hereof and all of its supporting documentation with respect to the FGEIS for the Comprehensive Plan for the Town of Lancaster, and incorporates its analysis and findings in this resolution and directs the Town Attorney to file such Findings Statement and this resolution with all appropriate and involved agencies in accordance with the requirements of SEQR.

This resolution shall take effect immediately.

The question of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
COUNCIL MEMBER ZARBO	WAS ABSENT
COUNCIL MEMBER GIZA	VOTED YES

September 2, 2003

File: rtownboardcomprehensivemasterplan903

THE FOLLOWING RESOLUTION WAS OFFERED BY COUNCIL MEMBER STEMPNIAK, WHO MOVED ITS ADOPTION, SECONDED BY COUNCIL MEMBER RUFFINO, TO WIT:

WHEREAS, the Town Board of the Town of Lancaster has given due consideration to the adoption of a Comprehensive Plan for the development of the Town, and

WHEREAS, the proposed Comprehensive Plan was referred to the Planning Board for its review and the Planning Board has made written comments regarding the Plan which the Town Board have deemed appropriate to incorporate into the Comprehensive Plan, and

WHEREAS, the Town Board has promulgated a revised north-south beltway location to be incorporated into the Comprehensive Plan which will run north from the Town owned former D L & W railroad right of way just west of Cemetery Road to the I-90 (NYS Thruway) and will run southerly from the said former rail line parallel to and in the vicinity of Cemetery Road, its location to be a significant distance from residential subdivisions, and

WHEREAS, an environmental review was conducted under SEQR with appropriate public hearings having been held with appropriate public comment periods, and

WHEREAS, public hearings were held in conformance with the Town Law §272, and

WHEREAS, the Municipal Review Committee and Town Board have completed their respective SEQR review and accepted the FGEIS as complete on August 4, 2003, and

WHEREAS, the Municipal Review Committee and Town Board as lead agency under SEQR have adopted the Findings Statement with regard to the FGEIS, and

WHEREAS, after due consideration the Town Board deems it in the public interest to adopt the proposed Comprehensive Plan together with the Planning Board comments and revisions and the final revision on the north-south beltway incorporated into such plan, and

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster hereby adopts the Comprehensive Plan with comments and revisions of the Planning Board and the revision on the location of the north-south beltway which is attached hereto and made a part hereof as the Comprehensive Plan for the development of the Town of Lancaster.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
COUNCIL MEMBER ZARBO	WAS ABSENT
SUPERVISOR GIZA	VOTED YES

September 2, 2003

File: rcomprehensiveplanadoption903

THE FOLLOWING RESOLUTION WAS OFFERED BY COUNCIL MEMBER STEMPNIAK, WHO MOVED ITS ADOPTION, SECONDED BY COUNCIL MEMBER MONTOUR, TO WIT:

WHEREAS, a Public Hearing was held on the 18th day of August, 2003, for the purpose of amending Chapter 50, "Zoning", Article IV, Residential Districts, Section 50-9 (B) (1) and Article VI, Industrial Districts, Section 50-25 (B) (1) (e) of the Code of the Town of Lancaster, as follows:

CHAPTER 50 - ZONING

Article IV, Residential Districts

1. Section 50-9. Agricultural Residential Districts (A-R)., of Chapter 50, "Zoning", of Code of the Town of Lancaster shall be amended by adding thereto the following:

Section 50-9. Agricultural Residential Districts (A-R).

.

- B. Permitted structures and uses.
 - (1) Principal structures and uses.

.

- (j.) Composting or other outdoor storage of yard waste and/or vegetative material subject to the issuance of a special use permit by the Town Board on the following conditions:
 - (i) Any composting facility or facility providing for outdoor storage of yard waste or other vegetative material shall be carried out on a minimum parcel of 100 acres.
 - (ii) Any such facility above mentioned shall be located a distance of at least 1000 feet from any adjacent use which is non-agricultural and non-residential in nature and shall further be at least 1000 feet removed from any dedicated highway.
 - (iii) Any such facility beforementioned shall be located a distance of at least 1500 feet from any adjacent use which is residential in nature.

- (iv) Any area devoted to the use provided for and permitted herein shall also be surrounded completely by a berm a minimum of 15 feet in height from existing ground level and any material being stored shall not exceed 5 feet in height.
- (v) Such a permitted facility must include a well maintained asphalt or concrete drive at least 20 feet in width, running from the nearest dedicated highway to the site and must provide sufficient access for heavy fire and rescue apparatus to all areas of said facility.
- (vi) Said permitted facility shall provide access to a fully functioning fire hydrant within 500 feet of any compostable material storage areas. Said fire hydrant shall be capable of supplying an adequate water supply for the purpose of fire suppression and shall be subject to acceptance and approval by the Fire District Chief in which said composting facility is located.
- (vii) Said permitted facility shall provide for the containment of any and all leachate from the stored materials and shall further provide the means for proper collection and disposal for reuse of said leachate. Said leachate shall be prevented from migrating off site and also must be prevented from contaminating soil or ground water on site.
- (viii) Said permitted facility shall only be permitted to engage in aerobic composting processes. Anaerobic composting shall not be permitted.
- (ix) Said permitted facilities shall provide a performance bond to the Town of Lancaster as a part the special use permit in the sum of not less than \$1,000,000. which must be renewed on an annual basis. Posting of the security may be by cash bond or its equivalent from a surety found acceptable to the Town of Lancaster.
- (x) Such a proposed facility shall be subject to SEQR review.
- (xi) Closure of such a facility shall be done by the submission of detailed plans at least ninety (90) days prior to the plan date for closure to the Town of Lancaster which plans shall include the proposed closure date of the facility and the plan for removal of materials and clean up of the site. The performance bond posted shall remain in effect until such time as the Town Board is satisfied that the closure of the facility has been completed in strict conformance with the plan approved by the Town Board.
- (xii) The issuance of the special use permit shall be subject to the following permit fees:
 - a) site under one acre \$1,000.
 - b) site one acre or greater \$3,000 for the first acre plus \$2,000 for each additional acre

CHAPTER 50 - ZONING

Article VI, Industrial Districts

2. Section 50-25. General Industrial District (GI)., of Chapter 50, "Zoning, of the Code of the Town Lancaster shall be amended by adding thereto the following:

Section 50-25. General Industrial District (GI).

.

B. Permitted uses.

(1) Principal structures and uses.

.

(e.) The outdoor storage as permitted in this zoning classification shall not include the storage of yard waste or any other vegetative material or any composting type operation using such materials.

and persons for and against such amendments have had an opportunity to be heard, and

WHEREAS, a Notice of Public Hearing was duly published and posted, and

WHEREAS, the Town Board has recommended the proposed amendment of the Code of the Town of Lancaster, County of Erie;

NOW, THEREFORE, BE IT

RESOLVED, as follows:

- 1. That Article IV, Residential Districts, Section 50-9 (B) (1) and Article VI, Industrial Districts, Section 50-25 (B) (1) (e) of Chapter 50, "Zoning", of the Code of the Town of Lancaster, County of Erie, and State of New York, be and hereby is amended;
- 2. That said amendments be added in the minutes of the meeting of the Town Board of the Town of Lancaster held on the 2nd day of September, 2003;
- 3. That a certified copy of this amendment be published in the Lancaster Bee on September 4, 2003;

4. That a certified copy of this Amendment be posted on the Town Bulletin Board, and

5. That Affidavits of Publication and Posting be filed with the Town Clerk.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER MONTOUR

COUNCIL MEMBER RUFFINO

COUNCIL MEMBER STEMPNIAK

COUNCIL MEMBER ZARBO

WAS ABSENT

SUPERVISOR GIZA

VOTED YES

September 2, 2003

File: ramendmentzoningcode903a

LEGAL NOTICE NOTICE OF ADOPTION AMENDMENT OF CHAPTER 50 - ZONING TOWN OF LANCASTER

LEGAL NOTICE IS HEREBY GIVEN that Article IV, Residential Districts,

Section 50-9 (B) (1) and Article VI, Industrial Districts, Section 50-25 (B) (1) (e) of Chapter 50, "Zoning", of the Code of the Town of Lancaster, be and is hereby amended as follows:

CHAPTER 50 - ZONING

Article IV, Residential Districts

1. Section 50-9. Agricultural Residential Districts (A-R)., of Chapter 50, "Zoning", of Code of the Town of Lancaster shall be amended by adding thereto the following:

Section 50-9. Agricultural Residential Districts (A-R).

.

- B. Permitted structures and uses.
 - (1) Principal structures and uses.

.

- (j.) Composting or other outdoor storage of yard waste and/or vegetative material subject to the issuance of a special use permit by the Town Board on the following conditions:
 - (i) Any composting facility or facility providing for outdoor storage of yard waste or other vegetative material shall be carried out on a minimum parcel of 100 acres.
 - (ii) Any such facility above mentioned shall be located a distance of at least 1000 feet from any adjacent use which is non-agricultural and non-residential in nature and shall further be at least 1000 feet removed from any dedicated highway.
 - (iii) Any such facility beforementioned shall be located a distance of at least 1500 feet from any adjacent use which is residential in nature.
 - (iv) Any area devoted to the use provided for and permitted herein shall also be surrounded completely by a berm a minimum of 15 feet in height from existing ground level and any material being stored shall not exceed 5 feet in height.
 - (v) Such a permitted facility must include a well maintained asphalt or concrete drive at least 20 feet in width, running from the nearest dedicated highway to the site and must provide sufficient access for heavy fire and rescue apparatus to all areas of said facility.

- (vi) Said permitted facility shall provide access to a fully functioning fire hydrant within 500 feet of any compostable material storage areas. Said fire hydrant shall be capable of supplying an adequate water supply for the purpose of fire suppression and shall be subject to acceptance and approval by the Fire District Chief in which said composting facility is located.
- (vii) Said permitted facility shall provide for the containment of any and all leachate from the stored materials and shall further provide the means for proper collection and disposal for reuse of said leachate. Said leachate shall be prevented from migrating off site and also must be prevented from contaminating soil or ground water on site.
- (viii) Said permitted facility shall only be permitted to engage in aerobic composting processes. Anaerobic composting shall not be permitted.
- (ix) Said permitted facilities shall provide a performance bond to the Town of Lancaster as a part the special use permit in the sum of not less than \$1,000,000. which must be renewed on an annual basis. Posting of the security may be by cash bond or its equivalent from a surety found acceptable to the Town of Lancaster.
- (x) Such a proposed facility shall be subject to SEQR review.
- (xi) Closure of such a facility shall be done by the submission of detailed plans at least ninety (90) days prior to the plan date for closure to the Town of Lancaster which plans shall include the proposed closure date of the facility and the plan for removal of materials and clean up of the site. The performance bond posted shall remain in effect until such time as the Town Board is satisfied that the closure of the facility has been completed in strict conformance with the plan approved by the Town Board.
- (xii) The issuance of the special use permit shall be subject to the following permit fees:
 - a) site under one acre \$1,000.
 - b) site one acre or greater \$3,000 for the first acre plus \$2,000 for each additional acre

CHAPTER 50 - ZONING

Article VI, Industrial Districts

2. Section 50-25. General Industrial District (GI)., of Chapter 50, "Zoning, of the
Code of the Town Lancaster shall be amended by adding thereto the following:
Section 50-25. General Industrial District (GI).
B. Permitted uses
(1) Principal structures and uses.
(e.) The outdoor storage as permitted in this zoning classification shall not include the storage of yard waste or any other vegetative material or any composting type operation using such materials.
September 2, 2003
STATE OF NEW YORK: COUNTY OF ERIE: ss: TOWN OF LANCASTER:
This is to certify that I , JOHANNA M. COLEMAN , Town Clerk of the Town of Lancaster in the said County of Erie, have compared the foregoing copy of an Ordinance Amendment with the original thereof filed in my office at Lancaster, New York, on the 2nd day of September, 2003, and that the same is a true and correct copy of said original, and of the whole thereof.
IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said Town this 2nd day of September, 2003.
(SEAL) Johanna M. Coleman, Town Clerk

THE FOLLOWING RESOLUTION WAS OFFERED BY SUPERVISOR GIZA, WHO MOVED ITS ADOPTION, SECONDED BY

COUNCIL MEMBER RUFFINO,

TO WIT:

WHEREAS, the Town of Lancaster intends to apply for Federal Community

Development Funds, known as Community Development Block Grant funds for the year 2004-2005

and must identify eligible projects which would benefit low to moderate income persons in the

Town, and

WHEREAS, the Town Board of the Town of Lancaster deems it in the public

interest to hold a Public Hearing to provide an opportunity for citizens to express community

development and housing needs and to discuss proposal to meet those needs to assist the Town

Board in developing the Town application for Community Development Block Grant funds;

NOW, THEREFORE, BE IT

RESOLVED, that a Public Hearing to provide an opportunity for citizens to

express community development and housing needs and to discuss possible projects which would

benefit low and moderate income persons in the Town of Lancaster, will be held at the Town Hall,

21 Central Avenue, Lancaster, New York, on the 15th day of September, 2003, at 8:50 o'clock

P.M., Local Time, and that Notice of the time and place of such Hearing be published in the

Lancaster Bee, the Official newspaper and be posted on the Town Bulletin Board, which Notice

shall be in the form attached hereto and made a part hereof.

The question of the adoption of the foregoing resolution was duly put to a vote

on roll call, which resulted as follows:

COUNCIL MEMBER MONTOUR VO

VOTED YES

COUNCIL MEMBER RUFFINO

VOTED YES

COUNCIL MEMBER STEMPNIAK

VOTED YES

COUNCIL MEMBER ZARBO

WAS ABSENT

SUPERVISOR GIZA

VOTED YES

September 2, 2003

File:

rcommdevblockgrantfunds903

Page -554-

NOTICE OF PUBLIC HEARING

NOTICE TO CITIZENS OF THE

TOWN OF LANCASTER

A Public Hearing will be held on the 15th day of September, 2003, at 8:50 o'clock

P.M., Local Time, at the Lancaster Town Hall, 21 Central Avenue, Lancaster, New York, regarding

the use of Federal Community Development funds in the Town of Lancaster.

The Town of Lancaster is eligible for a Federal Community Development Grant

under Title I of the Housing and Community Development Act of 1974, as amended.

The purpose of the Hearing is to provide an opportunity for citizens to express

community development and housing needs and to discuss possible projects which would benefit

low and moderate income persons in the Town of Lancaster.

Citizens are urged to attend this meeting to make known their views and/or

written proposals on the Town of Lancaster's selection of potential projects to be submitted for

possible funding by the Federal Community Development Grant Program.

The Hearing will also present a review of prior Community Development projects

and expenditures and a discussion of eligible activities. The meeting room is wheelchair accessible.

Those needing special arrangements should call the Lancaster Town Clerk's Office at (716) 683-

9028 by September 9, 2003.

Full opportunity to be heard will be given to any and all citizens and all parties

in interest.

TOWN BOARD OF THE

TOWN OF LANCASTER

BY:

JOHANNA M. COLEMAN

Town Clerk

September 2, 2003

Page -555-

THE FOLLOWING RESOLUTION WAS OFFERED BY SUPERVISOR GIZA, WHO MOVED ITS ADOPTION, SECONDED BY COUNCIL MEMBER STEMPNIAK, TO WIT:

RESOLVED, that the following Audited Claims be and are hereby ordered paid from their respective accounts as per abstract to be filed in the Office of the Town Clerk by the Director of Administration and Finance, to wit:

Claim No. 4084 to Claim No. 4270 Inclusive
Total amount hereby authorized to be paid: \$212,039.40

The question of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER MONTOUR VOTED YES

COUNCIL MEMBER RUFFINO VOTED YES

COUNCIL MEMBER STEMPNIAK VOTED YES

COUNCIL MEMBER ZARBO WAS ABSENT

SUPERVISOR GIZA VOTED YES

September 2, 2003

File: Rclaims

THE FOLLOWING RESOLUTION WAS OFFERED BY COUNCIL MEMBER STEMPNIAK, WHO MOVED ITS ADOPTION, SECONDED BY COUNCIL MEMBER RUFFINO, TO WIT:

RESOLVED that the following Building Permit applications be and are hereby reaffirmed:

CODES:

(SW) = Sidewalks as required by Chapter 12-1B. of the Code of the Town Lancaster are waived for this permit.

(CSW) = Conditional sidewalk waiver.

(V/L) = Village of Lancaster

NEW PERMITS:

10964	City Fence Inc	15 Winding Way	Er. Fence
10965	Federal Building Co Inc	19W Home Rd	Er. Garage
10966	Highview Homes	1333 Ransom Rd	Er. DwlgSin.
10967	Jay, Lawrence	2 Buckingham Ct	Er. Deck
10984	Majestic Pools Inc	152 Pavement Rd	Er. Pool-In Grnd
11036	Bengert Greenhouses	25 Hillside Pky	Er. Pool-Abv Grnd
11037	Iroquois Fence	25 Creekwood Dr	Er. Fence
11038	Dymond Enterprises	27 Bentley Cir	Er. Pool-Abv Grnd
11039	Jakubczak, Ronald	27 Bentley Cir	Er. Deck
11040	F & T Motors	5375 Genesee St	Er. Sign-Temp
11041	Koscielniak, Keven	36 Cedar Brook Dr	Er. Deck
11042	Majestic Pools Inc	152 Pavement Rd	Er. Fence
11043	Gould, Joyce	68 Kelly Ct	Er. Fence
11044	Lucas, Richard	57 Michael Anthony Ln	Er. Fence
11045	Avalon Services	23 Farmview Ct	Er. Pool-Abv Grnd
11046	Majestic Pools Inc	3 Ann Marie Dr	Er. Pool-In Grnd
11047	Majestic Pools Inc	3 Ann Marie Dr	Er. Fence
11048	Harrington, Robert	34 Iroquois Ave	Er. Fence (V/L)
11049	Frey's Olde Time Furn.	20 Gale Dr	Er. Shed
11050	J Gun Enterprises Inc	47 Stream View Ln	Er. Pool-Abv Grnd
11051	J Gun Enterprises Inc	25 Hampton Ct	Er. Pool-Abv Grnd
11052	Curry Custom Decks	48 Sussex Ln	Er. Deck
11053	Gillett, Joseph	14 Village View	Er. Shed
11054	Aquino, Mark	3 Sussex Ln	Er. Shed
11055	Lucas, Richard	59 Michael Anthony Ln	Er. Fence
11056	Pioneer Properties Co	480 Aurora St	Er. Sign-Temp
11057	Czechowski, Bernard	19 Creekwood Dr	Er. Shed
11058	Latella, John	381 Harris Hill Rd	Er. Deck
11059	Slivan Pool & Const.	72 Stutzman Rd	Er. Pool-Abv Grnd
11060	Premier Fence Co	265 Ransom Rd	Er. Fence

11061	American Fireplace	16 Edward St	Er. Fireplace	
11062	Duro-Shed Inc	16 Butler Dr	Er. Shed	
11063	Inglese, Mary	32 Norris Ave	Er. Deck	(V/L)
11064	Marrano/Marc Equity	35 Apple Blossom Blvd	Er. DwlgSin.	
11065	Marrano/Marc Equity	6 Peachtree Ct	Er. DwlgSin.	
11066	Marrano/Marc Equity	38 Summerfield Dr	Er. DwlgSin.	
11067	Jozwiak, Jeffrey	124 Brunck Rd	Er. Res. Alt.	
11068	Irish Construction	17 Riemers Ave	Er. Fence	
11069	Lovejoy Builders Inc	8 Ann Marie Dr	Er. DwlgSin.	
11070	Duro-Shed Inc	16 Parkedge Dr	Er. Shed	
11071	Rondinelli, Frank	212 Nathan's Trl	Er. Shed	
11072	Forbes Homes Inc	222 Enchanted Forest N	Er. DwlgSin.	
11073	Duro-Shed Inc	1337 Ransom Rd	Er. Shed	
11074	Wienckowski, Len	162S Irwinwood Rd	Er. Shed	(V/L)
11075	Nugent, Michael	68 Trentwood Trl N	Er. Fence	
11076	Frey's Olde Time Furn.	22 Ann Marie Dr	Er. Shed	
11077	McNamara, Michael	69 Kelly Ct	Er. Fence	(V/L)
11078	Dressler, Jeffrey	47 Village View	Er. Shed	
11079	Scapillato, Dominic	14 Idlebrook Ct	Er. Shed	
11080	Marrano, Anthony	45 Hill Valley Dr	Er. Fence	
11081	Fried, John	1 Farmview Ct	Er. Shed	
11082	Czeriejewski, Thomas	17 Glendale Dr	Er. Deck	
11083	Mazur Construction Inc	207 N Maple Dr	Er. Res. Add.	
11084	Duro-Shed Inc	6 Queen's Way	Er. Shed	
11085	McKay, Scott	19 Ann Marie Dr	Er. Shed	
11086	Majestic Pools Inc	150 Pleasant View Dr	Er. Fence	
11087	Majestic Pools Inc	150 Pleasant View Dr	Er. Pool-In Grnd	
11088	Essex Homes of WNY	6 Fox Trace	Er. DwlgSin.	
11089	Iroquois Fence	11 Stone Hedge Dr	Er. Fence	
11090	Allshouse, Robert	1372 Townline Rd	Er. Shed	
11091	Faulhaber, Robert	5542 Broadway	Er. Fence	(V/L)
11092	Duro-Shed Inc	23 Village View	Er. Shed	
11093	Irish Construction	53 Michael's Walk	Er. Fence	
11094	Zelli, Brian	38 Michael's Walk	Er. Deck	

BE IT FURTHER

RESOLVED, that the Building Permit Applications herein coded (SW) for sidewalk waiver be and are hereby reaffirmed with a waiver of the Town Ordinance requirement for sidewalks, and

BE IT FURTHER

RESOLVED, that the Building Permit Applications herein coded (CSW) for conditional sidewalk waiver be and are hereby reaffirmed with a waiver of the Town Ordinance required for sidewalks, however, the waiver is granted upon the expressed condition that the Town of Lancaster, at any future date, reserves the right to order sidewalk installation at the expense of the property owner.

The question of the adoption of the following resolution was duly put to a vote on roll call which resulted as follows

COUNCIL MEMBER MONTOUR VOTED YES
COUNCIL MEMBER RUFFINO VOTED YES
COUNCIL MEMBER STEMPNIAK VOTED YES
COUNCIL MEMBER ZARBO WAS ABSENT
SUPERVISOR GIZA VOTED YES

September 2, 2003

File: Rbldg2

SUSPENDED RESOLUTION:

Supervisor Giza requested a suspension of the necessary rules for immediate consideration of the following resolutions:

Council Member Ruffino moved to suspend the necessary rules for immediate consideration of the following two resolutions, seconded by Council Member Stempniak, on roll call, which resulted as follows

COUNCIL MEMBER MONTOUR VOTED YES

COUNCIL MEMBER RUFFINO VOTED YES

COUNCIL MEMBER STEMPNIAK VOTED YES

COUNCIL MEMBER ZARBO WAS ABSENT

SUPERVISOR GIZA VOTED YES

SUSPENSION GRANTED

THE FOLLOWING RESOLUTION WAS OFFERED BY COUNCIL MEMBER RUFFINO, WHO MOVED ITS ADOPTION, SECONDED BY ENTIRE TOWN BOARD, TO WIT:

WHEREAS, it has been made public that the Seneca Nation is considering the development of a casino in the Town of Cheektowaga in the vicinity of Transit Road and Pleasantview Drive and more particularly across Transit Road from the Hillview Elementary School located in the Town of Lancaster, and

WHEREAS, the Town Board has duly reviewed this plan and believes that it is not in the interest of the residents of the Town of Lancaster to have a casino located near the intersection of Transit Road and Pleasantview Drive because of the potential adverse impact it will cause to nearby residential neighborhoods in the Town of Lancaster and the impropriety of locating such a development anywhere near a school;

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board publicly opposes the location of a casino style development in the Town of Cheektowaga in the vicinity of Transit Road and Pleasantview Drive because of the impropriety of placing such a development in such proximity to a school and for the further reason that such a development can have a potentially significant and adverse impact on nearby residential neighborhoods in the Town of Lancaster and correspondingly in the Town of Cheektowaga, such adverse impacts including but not limited to increased traffic, increased crime rates and possible impacts on property values;

AND BE IT FURTHER

RESOLVED, that the Town Board of the Town of Lancaster hereby memorializes New York State Governor George Pataki, New York State Senator Dale Volker, New York State Legislator Paul Tokasz, Erie County Executive Joel Giambra, Erie County Legislators Raymond Dusza and Dale Larson, United States Senator Hillary Clinton, United States Senator Charles Schumer, United States Representative Thomas Reynolds, the Federal Bureau of Indian Affairs and the President and Tribal Council of the Seneca Nation that the Town Board of the Town of Lancaster opposes the location of the planned Seneca Nation casino in the Town of Cheektowaga on Transit Road near the intersection of Pleasantview Drive and across Transit Road (Route 78) from the Hillview Elementary School in the Town of Lancaster.

The question of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
COUNCIL MEMBER ZARBO	WAS ABSENT
COUNCIL MEMBER GIZA	VOTED YES

September 2, 2003

File: masino903

SUSPENSION GRANTED

THE FOLLOWING RESOLUTION WAS OFFERED BY COUNCIL MEMBER RUFFINO, WHO MOVED ITS ADOPTION, SECONDED BY COUNCIL MEMBER STEMPNIAK, TO WIT:

WHEREAS, the Lancaster Central School District has inquired whether the Town Highway Superintendent can perform paving work for the school district, and

WHEREAS, the Highway Superintendent has advised the Town Board that he will be able to assist the school district, and

WHEREAS, the Town Board desires to assist the school district in completing paving of the driveway from Pleasantview Drive into the high school field house parking lot with resulting cost savings to the school district since the highway department will only bill the cost of labor and use of equipment.

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster hereby authorizes the Supervisor to enter into an agreement with the Lancaster Central School District pursuant to the authority in Article 5-G of the General Municipal Law for the paving of a driveway at the Lancaster High School as beforementioned with the Highway Superintendent charging back to the school district his expenses for labor and use of equipment for a cost savings to the school district.

The question of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER MONTOUR VOTED YES

COUNCIL MEMBER RUFFINO VOTED YES

COUNCIL MEMBER STEMPNIAK VOTED YES

COUNCIL MEMBER ZARBO WAS ABSENT

COUNCIL MEMBER GIZA VOTED YES

September 2, 2003

File: rhighschoolpaving903

COMMUNICATIONS & REPORTS:

477. General Crew Chief to Planning Board Chairman, Planning Board Members, Council Members Montour, Ruffino, & Stempniak -

Notice of approval from Town Forestry Department for the site plan of Eastport Commerce Center and approval with modifications for the site plan of Carquest Distribution Center. DISPOSITION = Planning Committee

478. Hawk & Rebel, Inc. to Town Clerk -

Advisement of application by the Boston Hotel Steak & Crab House for renewal of liquor license. DISPOSITION = Town Attorney

479. David Szczesny to Town Board -

Letter regarding safety concerns at the intersection of Aurora Street and William Street.

DISPOSITION = Safety Committee, Legislator Dale Larson

480. Captain Riccardo M. Zuppelli to Supervisor -

Request resolution for stop signs in Windsor Ridge Subdivision. DISPOSITION = Resolution 9/2/03

481. Adelphia to Town Clerk -

Transmittal of channel changes for cable television. DISPOSITION = Received and Filed

482. Chairman, L.I.D.A. to Erie County Executive, Lancaster Central School District Superintendent, Deputy Commissioner for Erie County Planning & Economic Development, Supervisor-

Notice of public hearing to be held September 25, 2003 at 4:00 PM at the Town Hall to consider financial assistance for Jiffy-Tite Co., Inc. DISPOSITION = Received and Filed

483. Senator Dale M. Volker to Acting Regional Director, NYS DOT -

Letter requesting acceleration of proposed Transit Road reconstruction project. DISPOSITION = Received and Filed

484. Town Attorney to Municipal Review Committee -

Notification of meeting to be held September 2, 2003 for the purpose of consideration of adopting findings on the FGEIS for the Comprehensive Master Plan and site plan application of Eastpoint Commerce Center (Buildings A & H). DISPOSITION = Received and Filed

485. Town Clerk to Various News Media -

Notice to media of meeting of Municipal Review Committee, September 2, 2003 at 6:30 PM to review the site plan application of Eastport Commerce Center (Buildings A & H) and to adopt findings on the FGEIS of the Comprehensive Master Plan.

DISPOSITION = Received and Filed

486. Town Engineer to Town Board -

Recommend acceptance of Public Improvement Permit No. 558, Pavement and Curbs; Permit No. 559, Storm Sewers, and Permit No. 560, Waterlines in Valley Overlook Subdivision. DISPOSITION = Resolution 9/2/03

487. Erie County Dept. of Environment & Planning to Town Attorney -

Transmittal of comments regarding site plan review for CarQuest Distribution Center, Walden Avenue west of Pavement Road. DISPOSITION = Planning Committee

488. Erie County Dept. of Environment & Planning to Town Attorney -

Transmittal of comments regarding site plan review for Eastport Commerce Center, Buildings A and H. DISPOSITION = Planning Committee

489. Erie County Dept. of Public Works to Town Board -

Notice of highway closure of William Street between Schwartz Road and Bowen Road effective August 27, 2003. DISPOSITION = Received and Filed

490. Erie County Dept. of Public Works to Town Board Notice of highway closure of Hall Road between Schwartz Road and Ransom Road
effective May 27, 2003 to September 30, 2003. DISPOSITION = Received and Filed

491. Executive Director, Youth Bureau to Supervisor -

Request Town of Lancaster to continue to participate in collaborative effort of providing a Program Coordinator for Family Support Center. DISPOSITION = Resolution 9/2/03

492. NYS DEC to Town Attorney -

Notification of Lead Agency Designation to the Town of Lancaster regarding 4827 and 4839 Transit Road; comments noted. DISPOSITION = Planning Committee

493. Planning Board Chairman to Planning Board Members, Town Board Members, Town Engineer, Town Attorney & Building Inspector -

Transmittal of draft copy of minutes held August 20, 2003. DISPOSITION = Received and Filed

494. Planning Board to Town Board -

Recommend approval of site plan for Car Quest Distribution Facility. DISPOSITION = Planning Committee

495. Planning Board to Town Board -

Recommend approval of rezone petition of Ronald Grimm. DISPOSITION = For Resolution

496. Planning Board to Town Board -

Recommend approval of site plan for Eastport Commerce Center (Buildings A & H). DISPOSITION = Resolution 9/2/03

- 497. Town Clerk to Fire Chiefs, Fire Presidents and Natural Disaster Services Coordinator Reminder of annual inspection to be held September 22, 2003 at each fire district in the Town of Lancaster and at the Office of Emergency Management. DISPOSITION = Received and Filed
- 498. Ex. Director of Greater Buffalo-Niagara Regional Transportation Council to Town Board

 Notification of meeting to be held September 10, 2003. DISPOSITION = Received and Filed
- 499. Assembly Majority Leader Paul Tokasz to NYS Dept. of Environmental Conservation Request that DEC reconsider issuing a general or generic permit to landowners in Windsor Ridge Subdivision affected by the amendment to the State Wetlands Map. DISPOSITION = Town Attorney
- 500. Congressman Thomas Reynolds to Supervisor Expressed gratitude for hosting Town Hall Meeting regarding identity theft.
 DISPOSITION = Received and Filed
- 501. Concerned Citizen to Supervisor -

Transmittal of petition containing signatures opposing constructing a casino at Transit Road and Cloverleaf Drive. DISPOSITION = Resolution 9/2/03

ADJOURNMENT:

ON MOTION OF COUNCIL MEMBER STEMPNIAK AND SECONDED BY THE ENTIRE BOARD AND CARRIED, the meeting was adjourned at 9:52 P.M.

Signed			
	Iohanna M. C	oleman Town	Clerk